IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

FRIDAY, THE TWENTYEIGHTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No.27705 of 2007

Between:

B. Narenra Kumar & Ors. **… Petitioners**

Versus

The Executive Engineer,
Srirama Reddy Water Supply Project,
RWS Kalyandurg,
Ananthapur & Anr. **… Respondents**

Counsel for the Petitioners: **SRI A. BHASKARACHARI**

Counsel for the Respondents: **GOVT.PLEADER FOR IRRIGATION**
AND COMMAND AREA

THE HON'BLE SRI JUSTICE P.S. NARAYANA

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WRIT PETITION No.27705 of 2007

O R D E R :

Heard Sri A.Bhaskarachari, the counsel representing the writ petitioner as well as the learned Asst.Govt.Pleader for Irrigation.

2. The learned Asst.Govt.Pleader for Irrigation had taken notice on 26-12-2007 to get instructions. It is stated before this Court that the present writ petition is filed only on apprehension.

3. Sri Bhaskarachari, the learned counsel for the petitioner had taken this Court through the contents of the affidavit filed in support of the writ petition and would submit that without issuing any notice and without following any procedure, the possession of the petitioners relating to the subject matter of this writ petition is being disturbed.

4. It is stated that the second and third petitioners got agricultural land in an extent of Ac:1-87 2/3 in S.No.274-1 and Ac:4-12 in S.No.298 of Kalyandurg and all the petitioners are in joint possession and enjoyment of the lands. In recognition of their title and possession, the Revenue Department issued

Pattedar Passbook Nos. 102, 103 and 144 respectively in their favour in accordance with the ROR Act.

5. It is further stated that the respondents are now digging trench on the roadside of the petitioners land and from yesterday i.e., 23-12-2007 the respondents are further proceeding with the digging activity across the lands of the petitioners without following any procedure.

6. In view of the facts and circumstances, it is needless to say that the respondents are bound to follow the due process of law before disturbing such possession of the writ petitioners in relation to their private lands in question.

7. In view of the same, the writ petition is disposed of directing the respondents not to disturb the possession of the petitioners relating to the subject-matter of the writ petition unless and until due process of law is followed.

8. The writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S . NARAYANA .

28/12/2007.

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NB:

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1) Operative Portion of the Order by wire at

party’s costs.

2) Furnish CC of the order tomorrow.

B/o. ISL